

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA (SPECIAL MEETING/EXECUTIVE SESSION ADDED;
OCTOBER 5, 2004 MINUTES ADDED)**

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Monday, October 18, 2004

*****4:00 P.M.**

MARKED AGENDA

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:08 P.M.**

Roll Call – **COUNCILMEMBER DRAKE ABSENT**

1. Short discussion regarding the purpose for recessing into executive session regarding use permits.
Contact: Joseph R. Bertoldo, City Attorney, 480-312-2405, jbertoldo@scottsdaleaz.gov
2. Short discussion regarding the purpose for recessing into executive session regarding negotiations for tourist oriented attractions and facilities to be added at Westworld. Contact: David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov
3. MOTION TO RECESS INTO EXECUTIVE SESSION: **OK – 6/0**
 - a. For discussion or consultation with the City's attorney(s) for legal advice regarding: 1) a possible City ordinance amendment to change the processes and the hearing body for revocation of conditional use permits; and 2) proposed council procedures for revocation of conditional use permits. A.R.S. 38-431.03 (A)(3) Contact: Joseph R. Bertoldo, 480-312-2405, jbertoldo@scottsdaleaz.gov
 - b. For discussion or consultation with the City's attorney(s) for legal advice and to instruct the city's attorney(s) regarding contract negotiations for tourist oriented attractions and facilities to be added at Westworld A.R.S. 38-431.03 (A)(4) Contact: Joseph R. Bertoldo, 480-312-2405, jbertoldo@scottsdaleaz.gov

Adjourn Special Meeting – 4:11 P.M.

*****CITY COUNCIL EXECUTIVE SESSION**

Following 4:00 P.M. City Council Special Meeting

Call to Order - City Hall Kiva Conference Room

Executive Session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:00 P.M.

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:07 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **COUNCILMAN LANE**

Invocation – **REV. JACK SYLVESTER FROM THE BROTHERHOOD OF MAN**

Presentations/Information Updates

Boards, Commissions and Task Forces

Development Review Board (1) – **KEVIN O'NEILL**

Loss Trust Fund Board (1) – **BARBARA GATLIN**

Neighborhood Enhancement Commission (2) – **CHRISTINE SCHILD AND JOHN SCHULTZ**

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – OK – 7/0

SPECIAL MEETINGS

REGULAR MEETINGS

EXECUTIVE SESSIONS

September 21, 2004

***October 5, 2004

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a comment card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Spinato's Pizza Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a location that previously operated as Tomato Shack.

Location: 11108 N. Frank Lloyd Wright Boulevard

Reference: 64-LL-2004

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

2. Eckerd Drugs #7839 Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer & wine store) liquor license for an existing drug store.

Location: 32331 N. Scottsdale Road

Reference: 66-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

3. Lecca Baffi Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a location currently operating with an interim permit.

Location: 9719 N. Hayden Road

Reference: 67-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

4. Quench Fine Wines Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a distributor location transfer of a series 4 (wholesaler) liquor license.

Location: 9319 N. 94th Way, Ste. 600

Reference: 68-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

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5. Apple Café Extension of Premises – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an extension of premises to enclose the existing patio with pipe rail and latching gates.

Location: 15040 N. Northsight Boulevard

Reference: 32-EX-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review/Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

6. DC Ranch Parcel 6.9 Final Plat Phase 3 – OK - C

Request: Consider final plat approval for twelve (12), single-family residential lots on a 52.98+/- acre parcel.

Location: Intersection of Windgate Pass and Saguaro Canyon Trail

Reference: 4-PP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov;

7. Ironwood Square Replat – OK - C

Request: Consider approval of a replat on a .93-acre parcel.

Location: Northwest corner of 96th Street and Mountain View Road

Reference: 25-PP-2002#3

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Suzanne Colver, Senior Planner, 480-312-7087, scolver@scottsdaleaz.gov

8. Boldero Grande Final Plat – OK - C

Request: Consider approval of a Final Plat for eight (8) residential lots with amended development standards on a 10-acre parcel.

Location: Northeast corner of Hayden Road and Smokehouse Trail Alignment

Reference: 20-PP-2003

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

9. Appointment of Election Boards for the November 2, 2004 Special Franchise Election – OK – 6/0 (RL – COI – ARS 38-501)

Request: Adopt Resolution No. 6555 authorizing the appointment of the Election Boards for the November 2, 2004 Special Franchise Election.

Related Policies, References:

- A.R.S. 9-825 requires the governing body to appoint election board members from the qualified electors of the municipality.
- Article 12, Section 1, of the Scottsdale City Charter requires the applicant to pay all franchise election expenses.

Staff Contact: Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

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10. Enterprise Document Management Contract – OK - C

Request: Authorize Contract Modification No. 2004-013A-COS to Enterprise Document Management, Contract No. 2004-013-COS with 5280 Solutions, Inc. of Highlands Ranch, Colorado. This contract modification extends Enterprise Document Management to the City Attorney's Civil and Litigation divisions. It includes licensing, conversion, implementation services, and travel expenses. It modifies the following three agreements within the original contract: Services Agreement, Software License Agreement, and Maintenance/Support Agreement. The project total for this modification is \$86,595.

Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov; Rich Peterson, Information Systems, 480-312-7021, rpeterson@scottsdaleaz.gov; Sue Mitrisin, City Attorney's Office, 480-312-7937, smitrisin@scottsdaleaz.gov; Judy Silverthorn, Information Systems, 480-312-7879, jsilverthorn@scottsdaleaz.gov

11. Construction Bid Award for the Intelligent Transportation Systems (ITS) Camera Project – OK - C

Request: Authorize Construction Bid Award No. 04PB092 to CS Construction, the lowest responsive bidder, at their lump sum bid of \$1,821,243 for the Scottsdale Hardwire ITS Camera Project.

Related Policies, References: City Council approved design contract No. 2002-092-COS for installation of thirty-three (33) Closed Circuit Television Cameras on June 18, 2002.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Annette Grove, Sr. Project Manager, 480-312-2399, agrove@scottsdaleaz.gov; Bruce Dressel, ITS Manager, 480-312-2358, bdressel@scottsdaleaz.gov

12. Architectural Services Contract for the design of One Civic Center Interior Renovations – OK - C

Request: Authorize Architectural Services Contract No. 2004-141-COS with Jones Studio, Inc., in the amount of \$94,218 for the design of interior renovations for One Civic Center.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Thyra Ryden-Diaz, P.E., Project Manager, 480-312-4327, tryden-diaz@scottsdaleaz.gov

13. Intergovernmental Agreement with Salt River Pima-Maricopa Indian Community to Fund Programs and Local Activities – OK - C

Request: Consider Resolution No. 6562 authorizing the Mayor to execute Intergovernmental Agreement No. 2004-145-COS between the Salt River Pima-Maricopa Indian Community and the City of Scottsdale to accept and appropriate \$595,500 to fund programs and local activities with a portion of the community's local revenue sharing contribution pursuant to A.R.S. Section 5-601 (H)(4).

Related Policies, References: This agreement is in accordance with Proposition 202, and ARS 5-601 related to distribution of a share of tribal gaming revenues for public benefit.

Staff Contact(s): Steve Olson, Government Relations Director, 312-2423, solson@scottsdaleaz.gov; Connie James, Human Services Director, 312-2598, cojames@scottsdaleaz.gov

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14. **Technical Modification to Legal Description in Valley Ho Agreement – OK - C**
Request: Adopt Resolution No. 6564 approving Agreement Amendment No. 2003-175A-COS to replace the legal description in Agreement No. 2003-175-COS for the Hotel Valley Ho property at 6850 E. Main Street and rerecord the agreement with the amended legal description.
Related Policies, References: Resolution No. 6399, adopted November 4, 2003 by City Council, authorized Agreement No. 2003-175-COS with MSR Properties, LLC.
Staff Contact(s): Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a comment card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

15. FY2004-2005 Event Funding – MOTION TO APPROVE THE TOURISM DEVELOPMENT COMMISSION’S RECOMMENDATION AND PROVIDE AN ADDITIONAL \$10,000 IN FUNDING FOR THE PARADA DEL SOL FROM THE CONTINGENCY FUND – OK – 7/0

Requests:

- A. Approve and adopt the Tourism Development Commission’s recommendation from their September 21, 2004 meeting to authorize funds from the bed tax for event promotion in the amount of \$162,156 (individual events and amounts are listed on the Council Action Report).
- B. Authorize and direct the Tourism Development Manager to execute, on behalf of the City, individual agreements with each approved Event Producer.
- C. Approve Resolution No. 6572 authorizing funding for the 2004/05 Matching Event Advertising program and authorizing the Tourism Development Manager to execute individual agreements with each Event Producer.
- D. Discuss City support for the funding of major “community” events, i.e. events that do not meet the criteria for bed tax funding, but are deemed to have value to the community and its residents.

Related Policies, References: Ordinance Nos. 2049, 2702, and 3577 (amended) provide for the expenditure of bed tax funds for promotion of qualified events

Staff Contact(s): David Roderique, Economic Development General Manager, 480-312-7601, droderique@scottsdaleaz.gov; or Kathy Carlisle O’Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

16. Zoning Ordinance Text Amendment Regarding Use Permit Revocation Matters – MOTION TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT THAT WOULD AMEND THE ORDINANCE IN REGARD TO THE USE PERMIT REVOCATION PROCESS. TO READ AS IT DID PRIOR TO THE AMENDMENT OF THE YEAR 2002 AND DIRECT STAFF TO DRAFT AN AMENDMENT AND START PUBLIC OUTREACH AND NOTICE PROCESSES. – DENIED 3/4 (BD, WE, KO, RL)

AMENDMENT TO THE MOTION TO MAKE THE CITY COUNCIL THE DECISION MAKER AND INCLUDE THE BOARD OF ADJUSTMENT AS A RECOMMENDING BODY. – (SECOND WAS WITHDRAWN) – THE MOTION DIED FOR LACK OF A SECOND

(THE MAKER OF THE AMENDMENT ADDED A STIPULATION THAT CITY COUNCIL WOULD HAVE THE OPTION TO HEAR ADDITIONAL TESTIMONY TO MAKE THEIR DECISION. AFTER FURTHER CONSIDERATION, THIS SECTION OF THE AMENDMENT WAS WITHDRAWN.)

AMENDMENT TO THE ORIGINAL MOTION TO ALLOW COUNCIL THE RIGHT TO INITIATE THE REVOCATION PROCESS. – OK – 4/3 (RL, WE, KO)

Request: Consider initiation of amendment to text of Zoning Ordinance regarding appropriate body (bodies) to initiate and/or hear use permit revocation matters.

Related Policies, References: City of Scottsdale Ordinance No. 3457

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; or Patricia J. Boomsma, Senior Assistant City Attorney, pboomsma@scottsdaleaz.gov; 480-312-2405

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17. Council Procedures for Conditional Use Permit Revocation Process – **MOTION TO APPROVE RESOLUTION 6563 – OK – 7/0**

Request: Consider approval of Resolution No. 6563, adopting procedures to provide due process to property owners and neighbors in use permit revocation cases.

Related Policies, References: Ordinance No. 3457

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Patricia J. Boomsma, Senior Assistant City Attorney, 480-312-2405, pboomsma@scottsdaleaz.gov

18. Confirm Initiation of Revocation of Foothills Academy Charter School Conditional Use Permit – **MOTION TO PROCEED WITH REVOCATION HEARING TO BE SCHEDULED IN JANUARY - (SECOND WAS WITHDRAWN) – DIED FOR LACK OF A SECOND**

MOTION TO CONTINUE 45 DAYS TO DECEMBER 14, 2004 – OK – 7/0

Requests:

- a) Uphold staff decision to initiate revocation of a conditional use permit for Foothills Academy due to violation of the maximum student enrollment stipulated in the City Council approval.
- b) Set a hearing date for City Council to consider the revocation.

Related Policies, References: 30-UP-2004

Location: 7191 E. Ashler Hills Drive

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

19. Consideration of a Citizens' Petition – **COUNCIL DISCUSSION OCCURRED - NO ACTION TAKEN**

Request: Subsequent to the submission of the citizens' petition at the September 21, 2004 City Council meeting, staff added this item to the agenda to permit the City Council to consider the petition within the 30 days, as required by the City Charter, Art. 2, Sec. 16. The petition requests two new provisions for appointing citizens to city boards, commissions, and committees.

Related Policies, References: Art. 2, Sec. 16 Scottsdale Charter (consideration of citizen petitions within 30 days); Art. 5, Sec. 1 (granting authority to the City Council to by ordinance create, change, and abolish boards or commissions as in its judgment are required).

Staff Contacts: Jan Dolan, City Manager, jdolan@scottsdaleaz.gov, 480-312-2422; Joe Bertoldo, City Attorney, jbortoldo@scottsdaleaz.gov, 480-312-2405.

Public Comment – **MICHELLE AUBERT – ALLEGED ILLEGAL CAMPAIGN CONTRIBUTIONS WERE RECEIVED BY A CITY OFFICIAL**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - **NONE**

Mayor and Council Items - **NONE**

Adjournment – **8:18 P.M.**

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.